

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GILLES COHEN, JOHN MICKLO,
MUHAMMAD ADNAN, DONNY WOO,
BENJAMIN MOORE, MARY LOU
PLANTE, MEREDITH MEIN DE VERA,
DAN ROSENTHAL, IGOR
KRAVCHENKO, ALEXANDRA
EFANTIS, BLAISE FONTENOT,
KATHERINE MUTSCHLER,
JACQUELINE FERGUSON, BENJAMIN
CHRISTENSEN, JENNIFER LILLEY,
STEVEN BIONDO, CHANTEL NELSON,
JACQUELINE BROCKMAN, MARTY
BROWN, CHRISTINE KING, KEVIN
KING, PAULA WEEKS, MARTIN
TORRESQUINTERO, COLE SWEETON,
TROY PERRY, CHRISTINE SCHULTZ,
KATHERINE GRIFFIN, JANET
OAKLEY, ADAM WHITLEY, ROBERT
KARRAT, DAVID SROELOV, CHIARA
BANCOD-HILE, and MARK
GARDENER, individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

SUBARU CORPORATION, SUBARU OF
AMERICA, INC., DENSO
CORPORATION, and DENSO
INTERNATIONAL OF AMERICA, INC.,

Defendants.

Case No. 1:20-cv-08442-JHR-AMD

Motion Date: June 21, 2021

**ELECTRONICALLY FILED
ORAL ARGUMENT
REQUESTED**

**DEFENDANT SUBARU OF AMERICA, INC.'S NOTICE OF MOTION TO
DISMISS THE CONSOLIDATED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that in accordance with Local Rule 7.1 and the Stipulation and Order Setting Schedule for Amendment of Complaint and Response Thereto (Dkt. 30), Defendant Subaru of America, Inc. (“SOA”) shall move before the Hon. Joseph H. Rodriguez, U.S.D.J., at the United States District Court, District of New Jersey, Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Courtroom 5D, Camden, NJ 08101, on June 21, 2021 or such other date as the Court shall schedule, for an Order pursuant to Rule 12(b)(6), 9(b), and 12(b)(1), dismissing Plaintiffs’ Consolidated Class Action Complaint in its entirety for failure to state a claim upon which relief can be granted and lack of standing.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Defendant SOA shall rely upon the Consolidated Class Action Complaint, the accompanying Memorandum of Law, the accompanying declaration of Dante Vespertino and accompanying exhibits, other documents filed in the case, and upon such other matters as may be presented to the Court at the time of the hearing. A proposed form of Order is also submitted.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Stipulation and Order Setting Schedule for Amendment of Complaint and Response Thereto (Dkt. 30), Plaintiffs’ opposition to this motion shall be filed on

or before May 6, 2021, and Defendant SOA's reply shall be filed on or before June 7, 2021.

March 22, 2021

HERZFELD & RUBIN, LLC

By: /s/ Homer B. Ramsey
Homer B. Ramsey
hramsey@herzfeld-rubin.com
Michael B. Gallub (*Pro Hac Vice*)
mgallub@herzfeld-rubin.com
354 Eisenhower Parkway
Livingston, New Jersey 07039
Telephone: (973) 535-8840

Attorneys for Defendant Subaru of America, Inc.